MONTANA LEGISLATIVE HISTORY

Chapter 216 19 95

Bill H 165 S _____ Original bill & history ___C

H. Committee on Local Government			S. Committee on Local Government		
Hearing Date(s)	Jan 19	✓ C	Hearing Date(s)	Mar 09	✓ C
	Feb 09	✓ C		_____	___C
	_____	___C		_____	___C
	_____	___C		_____	___C
Date Out	Feb 15	✓ C		Mar 08	✓ C

Did this bill originate in an interim committee? ___Yes ___No

Committee _____ Report _____

	RETURNED TO HOUSE WITH AMENDMENTS		
3/04	2ND READING AMENDMENTS CONCURRED	96	1
3/06	3RD READING AMENDMENTS CONCURRED	98	1
3/07	SIGNED BY SPEAKER		
3/09	SIGNED BY PRESIDENT		
3/09	TRANSMITTED TO GOVERNOR		
3/13	SIGNED BY GOVERNOR		
	CHAPTER NUMBER 130		
	EFFECTIVE DATE: 03/13/95		

HB 164 INTRODUCED BY HARPER, ET AL.

PROVIDE FOR COLLECTION OF A TAX ON COMPRESSED NATURAL GAS AT THE RETAIL LEVEL

BY REQUEST OF THE DEPARTMENT OF TRANSPORTATION

1/12	INTRODUCED		
1/12	FIRST READING		
1/12	REFERRED TO TAXATION		
1/13	FISCAL NOTE REQUESTED		
1/17	FISCAL NOTE RECEIVED		
1/17	FISCAL NOTE PRINTED		
1/20	HEARING		
1/25	COMMITTEE REPORT—BILL PASSED		
1/26	2ND READING PASSED	81	15
1/27	3RD READING PASSED	82	16
	TRANSMITTED TO SENATE		
1/28	FIRST READING		
1/28	REFERRED TO TAXATION		
2/06	HEARING		
3/06	COMMITTEE REPORT—BILL CONCURRED AS AMENDED		
3/09	2ND READING CONCURRED	29	19
3/10	3RD READING CONCURRED	28	15
	RETURNED TO HOUSE WITH AMENDMENTS		
4/03	2ND READING AMENDMENTS CONCURRED	97	1
4/04	3RD READING AMENDMENTS CONCURRED	86	12
4/06	SIGNED BY SPEAKER		
4/07	SIGNED BY PRESIDENT		
4/10	TRANSMITTED TO GOVERNOR		
4/13	SIGNED BY GOVERNOR		
	CHAPTER NUMBER 405		
	EFFECTIVE DATE: 04/13/95—SECTIONS 18 & 21		
	EFFECTIVE DATE: 01/01/96—SECTIONS 1-17, 19 & 20		

HB 165 INTRODUCED BY STORY

ALLOW THE GOVERNING BODY TO SET OFFICE HOURS FOR COUNTY OFFICES BY RESOLUTION AFTER A PUBLIC HEARING AND WITH CONSENT OF ANY AFFECTED ELECTED COUNTY OFFICER

1/12	INTRODUCED		
1/12	FIRST READING		
1/12	REFERRED TO LOCAL GOVERNMENT		
1/19	HEARING		
2/09	COMMITTEE REPORT—BILL PASSED AS AMENDED		
2/11	2ND READING PASSED	87	11
2/13	3RD READING PASSED	91	8
	TRANSMITTED TO SENATE		
2/20	FIRST READING		
2/20	REFERRED TO LOCAL GOVERNMENT		
3/07	HEARING		
3/09	COMMITTEE REPORT—BILL CONCURRED		

3/14	2ND READING CONCURRED	50	0
3/15	3RD READING CONCURRED	49	0
	RETURNED TO HOUSE		
3/16	SIGNED BY SPEAKER		
3/18	SIGNED BY PRESIDENT		
3/20	TRANSMITTED TO GOVERNOR		
3/24	SIGNED BY GOVERNOR		
	CHAPTER NUMBER 216		
	EFFECTIVE DATE: 10/01/95		

HB 166 INTRODUCED BY MCGEE, ET AL.

ALLOW FIRE SERVICE AREAS TO ADOPT A FIRE CODE AND PLAN FOR ENFORCEMENT UPON CERTIFICATION BY DEPARTMENT OF JUSTICE

1/12	INTRODUCED		
1/12	FIRST READING		
1/12	REFERRED TO LOCAL GOVERNMENT		
1/24	HEARING		
2/09	COMMITTEE REPORT—BILL PASSED AS AMENDED		
2/11	2ND READING PASSED	95	0
2/13	3RD READING PASSED	98	0
	TRANSMITTED TO SENATE		
2/20	FIRST READING		
2/20	REFERRED TO LOCAL GOVERNMENT		
3/07	HEARING		
3/09	COMMITTEE REPORT—BILL CONCURRED		
3/11	2ND READING CONCURRED	30	3
3/13	3RD READING CONCURRED	49	0
	RETURNED TO HOUSE		
3/15	SIGNED BY SPEAKER		
3/18	SIGNED BY PRESIDENT		
3/20	TRANSMITTED TO GOVERNOR		
3/22	SIGNED BY GOVERNOR		
	CHAPTER NUMBER 212		
	EFFECTIVE DATE: 10/01/95		

HB 167 INTRODUCED BY SHEA, ET AL.

PROVIDE FOR SCHOOL DISTRICT COMPLIANCE WITH REQUIREMENTS OF THE FEDERAL GUN-FREE SCHOOLS ACT OF 1994

BY REQUEST OF THE GOVERNOR AND THE SUPERINTENDENT OF PUBLIC INSTRUCTION

1/12	INTRODUCED		
1/12	FIRST READING		
1/12	REFERRED TO EDUCATION & CULTURAL RESOURCES		
1/20	HEARING		
1/28	COMMITTEE REPORT—BILL PASSED		
1/31	2ND READING PASSED	73	26
2/01	3RD READING PASSED	73	25
	TRANSMITTED TO SENATE		
2/02	FIRST READING		
2/02	REFERRED TO EDUCATION & CULTURAL RESOURCES		
3/01	HEARING		
3/17	COMMITTEE REPORT—BILL CONCURRED AS AMENDED		
3/25	2ND READING CONCURRED	48	0
3/27	3RD READING CONCURRED	49	0
	RETURNED TO HOUSE WITH AMENDMENTS		
4/04	2ND READING AMENDMENTS CONCURRED	90	7
4/05	3RD READING AMENDMENTS CONCURRED	83	15

Closing by Sponsor: Sponsor closed.

HEARING ON HB 165

Opening Statement by Sponsor:

REP. ROBERT STORY, House District 24, Park City, stated this bill's only purpose is to allow the local governing body to set the hours for county offices.

Proponents' Testimony:

Vicki Hyatt, Commissioner, Stillwater County, and also representing **Montana Association of Counties (MACO),** said this bill was a unanimous resolution passed by MACO and it would give flexibility for small counties. She explained that many offices are run by a single person and there is a violation of the law if the office is locked during the eight- hour work day. They are asking for flexible office hours to better serve the public.

Gordon Morris, Director of the Montana Association of Counties (MACO), gave his support for **HB 165** saying this bill would take out the references of 8-5 as regular office hours and would make it a local discretionary decision as to which offices could be appropriately closed and not disabuse the public to which those offices are intended to serve. **Mr. Morris** then reviewed various sections of the bill and asked the committee's favorable decision.

Leo Hudetz, Yellowstone County Auditor, spoke in favor of HB 159. He then told the committee about an incident when his office was locked while he was working alone one day and had left for a short time. He locked up to protect the records and a complaint was made about the office not being open from 8-5. As a result of this, if his assistant is on vacation or not able to be in, the office has to be left unlocked.

Gordon Morris acknowledged the presence and support of HB 159 from several commissioners of various counties that are present but will not be testifying (see Visitors Register).

Opponents' Testimony:

Bob Gilbert representing the **Montana Clerks of District Court Association,** disagreed with the proponents of this bill saying it would create a state statute to correct a few local problems. Even though **Mr. Morris** said it is not the intent, this bill is perceived by many local elected officials as a power struggle. This would allow county commissioners to abolish an elected official by a vote. That makes elected officials very uneasy. They have statutory obligations when they are elected and they are very strong in defending their jobs and very intent in providing a service to the public. This is not to make the

government happy, it's providing a service to make the people happy. This bill would allow county commissioners to set office hours for up to seven other elected officials without them having a vote in the matter. **Mr. Gilbert** referred to the bill stating this observation. He then spoke about a clerk that is in a one-person office and was aware of the situation when she ran for office and accepted the position knowing this. **Mr. Gilbert** offered an amendment that would allow, through a memorandum of understanding between the governing bodies, an elected official the right to change an office's hours.

Nancy Sweeney, Lewis & Clark County Clerk of Court, attested that **Mr. Gilbert** had expressed their concerns as well. Many clerks of court around the state are in one-person offices and are well aware of the problems and dedication that is required to bring in their lunch or call down the hall to have someone watch the office while they take a break. The clerks of court take this very seriously and believe in their obligation to the public to provide services to meet the requirement of continually staying open. If this bill would only provide a short reprieve for those necessary times, it wouldn't be objectional and the clerks are fearful this would be used as a tool in fiscally difficult times to deny access to the public. Basic rights must not be compromised by fiscal constraints. Open and unencumbered access to the offices of sheriff, county clerk, clerk of district court, treasurer, county attorney and county auditor are vital services provided to the citizens. The residents of Lewis & Clark County that reside in Augusta must travel in excess of eighty miles to Helena to obtain marriage licenses, pay taxes, search for records such as birth or death certificates, land surveys, divorce records, etc. Some records may be obtained through the mail and additional costs are incurred. **Ms. Sweeney** urged the committee to amend this bill to allow it to be an agreement that public officials would be fulfilling their obligation to the public and prevent them from denying public access to the courthouse.

Robert Throssell, representing the **Montana Association of Clerk and Recorders,** reiterated previous testimony stating their position is similar to **Mr. Gilbert** and **Ms. Sweeney. Mr. Throssell** asked that the bill be amended to include the independent elected official when deciding the setting of office hours.

Informational Testimony: None

Questions From Committee Members and Responses:

REP. DAVID EWER asked **Mr. Morris** what his and MACO's thoughts are on the amendment to allow the elected officials to have concurrence on changing the hours along with the county commissioners. **Mr. Morris** responded that they would be open to consideration, and to specify there is a role and they have to be involved in any determination made by the local governing body to change the 8-5 schedule. This language would make this clearly

an option based upon input from the other elected officials. Ultimately, the choice has to reside with the individuals who have the ultimate accountability with regard to budgetary authority over the county-wide budget.

REP. EWER said they have to work 8-5 now and asked "When they talk about budget considerations are they proposing they work from 8:00 a.m. to 7:00 p.m.?" He then suggested an amendment that says "upon the concurrence of the elected officials." **Mr. Morris** responded no, he was trying to suggest that and he pointed out that ultimately, somebody has to have responsibility for making decisions. Trying to do everything by virtue of consensus among the elected officials as demonstrated today, is part of the problem.

Closing by Sponsor:

REP. STORY closed by saying the law is specific now but there needs to be some flexibility built into the laws so that the commissioners or someone can set flexible hours. Those hours may benefit the public and County Commissioners bear the ultimate responsibility.

HEARING ON HB 136

Opening Statement by Sponsor:

REP. ALVIN ELLIS, JR., HD 23, Red Lodge, explained this bill simplifies the requirement placed on the county commissioners in regards to printing. "It seems ridiculous when they, by their own actions, can encumber the county for five mills on a SID that they cannot make judgments on what printer can best serve the counties needs." He then outlined the sections in the bill. His amendment takes care of the concern by MACO that they are trying to solidify both legal and other printing in a non-contract. **REP. ELLIS** asserted this is not the intent of this legislation, therefore they are putting "or" on line 4, page 4. If that is not adequate, they may want to replace lines 29-30, page 2 that states county commissioners may separate the printing contract of the two parts.

{Tape: 1; Side: 2; Approx. Counter: 4.4;}

Proponents' Testimony:

Jim Moore, Red Lodge, stated his company publishes newspapers in Carbon, Stillwater and Big Horn counties and he is here out of the conviction that business and government should follow the law in conducting their day-to-day activities. He said this conviction becomes meaningless in the face of part 24 of the local government code which is entitled "county printing." The county printing code is contradictory, incomprehensible, impossible to follow, vague, ambiguous and anti-competitive. He

HOUSE OF REPRESENTATIVES

Local Government

ROLL CALL DATE 1-19-95

NAME	PRESENT	ABSENT	EXCUSED
Rep. Bill Boharski, Chairman	✓		
Rep. Jack Herron, Vice Chairman, Majority	✓		
Rep. David Ewer, Vice Chairman, Minority	✓		
Rep. Chris Ahner		E	
Rep. Shiell Anderson	✓		
Rep. Ellen Bergman	✓		
Rep. John Bohlinger	✓		
Rep. Matt Brainard	✓		
Rep. Matt Denny	✓		
Rep. Rose Forbes	✓		
Rep. Toni Hagener	✓		
Rep. Bob Keenan	✓		
Rep. Linda McCulloch	✓		
Rep. Jeanette McKee	✓		
Rep. Norm Mills	✓		
Rep. Debbie Shea		✓	
Rep. Joe Tropila	✓		
Rep. Diana Wyatt	✓		

HOUSE OF REPRESENTATIVES
VISITOR REGISTER

Local Government COMMITTEE BILL NO. 165

DATE 1-19-95 SPONSOR(S)

PLEASE PRINT PLEASE PRINT PLEASE PRINT

NAME AND ADDRESS	REPRESENTING	SUPPORT	OPPOSE
Vern Peterson	Fergus	✓	
Gordon Morris	MACo	✓	
Bev Gibson	"	✓	
Vicki Hyatt	Stillwater Co	✓	
Monte Nuttall	Carbon	✓	
[illegible]	Flathead	—	
Nancy Sweeney	Lewis & Clark County Clerk of Court		✓
Allen C. Hershfeldt	Ravalli Co. Commission	✓	
Tim Burton	Lewis & Clark Co Commission	✓	
Bob Gilbert	Mt. Clerks of District Court, ASSM.		✓
Robert Throssell	Mt Assoc. Clerk & Recorder		✓

PLEASE LEAVE PREPARED TESTIMONY WITH SECRETARY. WITNESS STATEMENT FORMS ARE AVAILABLE IF YOU CARE TO SUBMIT WRITTEN TESTIMONY.

EXECUTIVE ACTION ON HB 103

Motion: REP. HAGENER MOVED TO RECONSIDER HB 103.

Discussion: REP. HAGENER stated the committee heard some confusing testimony and this bill deserves to be considered.

Vote: The motion failed 7-11.

EXECUTIVE ACTION ON HB 165

Motion: REP. BOHARSKI MOVED HB 165 DO PASS. REP. BOHARSKI MOVED HIS AMENDMENT.

Discussion:

REP. BOHARSKI discussed the point made on the debate on the bill that they wanted to make sure the county commissioners did not exercise too much authority over some of the other elected officials. He said in an effort to address that problem, he drafted some amendments.

Mr. Campbell explained REP. BOHARSKI'S amendment. EXHIBIT 3

REP. BERGMAN referred to the title of the bill and asked who the affected county officer is. REP. BOHARSKI explained the treasurer and the clerk of court had some concern that some county commissioners would on their own shut down an office to four hours a day. They felt the independently elected officers should have some say. The sections of the bill that are affected by that amendment are only those offices that are subjected to another elected official. He said if this was the parks department, that would be done by the commissioners because there is no elected official in that area. But if it's the treasurer's office and there is an elected treasurer, this would require the consent of the elected treasurer. REP. BERGMAN asked if is this along with the commissioners. REP BOHARSKI responded that is correct, the whole purpose of the bill is to allow the commissioners to do it and requires the commissioners get permission from the elected official.

REP. EWER said he agrees with the intent of the amendment but as it's written there is a problem and it needs to be clarified that if it is the intention that county commissioners cannot take monopoly action over other offices that are governed by elected officials then they should say as much. He suggested changing the wording to "with the consent of the affected office of the elected official" or "affected officials office" or something to that effect. REP. EWER asked if REP. BOHARSKI would concur with his comments. REP. BOHARSKI responded that is exactly what his amendment is intended to do and that is the way Mr. Campbell explained it, where it fits in the bill. This only applies to other elected offices, that they need that consent.

REP. MILLS suggested the wording be "not with their consent, but with their complete concurrence they want to do it." **REP. BOHARSKI** said if they do not have their consent then they cannot do it. **Mr. Campbell** explained that the title is not the problem because there were only seven specific statutes that are being amended and will be the only ones affected by this because these are the only sections that the bill is going into and creating this concept. He suggested to double check with the committee whether every section deals with an elected person. He said he believes it does with the possible exception of the fair board. He said the sections that specifically deal with the elected officials be amended to say that the governing body can not change the hours without resolution.

{Tape: 2; Side: A;}

REP. BOHARSKI said both he and **REP. EWER** have the same intent and they will both review the amendment before it goes to the floor.

REP. EWER said he concurs and will rely on **Mr. Campbell** for further research although this has not gone through the entire review process and everyone understands what the concept is. He will leave it to **Mr. Campbell's** expertise to get it right.

Vote: **The motion to adopt the amendments carried unanimously.**

Discussion: **REP. BOHLINGER** stated his support of HB 165 as amended.

REP. ANDERSON stated he believes the bill is better with the amendment but he feels the different office holders within a county can say to the county commissioners that they think they can conduct their business between 9:00 - 3:00 p.m. and then have the county superintendent saying he needs an 8:00 - 5:00 p.m. schedule. **REP. ANDERSON** said there is nothing in the bill that relates to their salaries and also, they are still going to be heating the buildings. The public they serve will be expecting to find somebody there between 8:00 - 5:00 p.m.

REP. BERGMAN said the purpose of this bill is to give them that option and it is their option not theirs on how they want to change their hours. If they choose to be open on Saturday that will be their decision for serving the public to readjust their hours.

REP. EWER said his sense about the bill is it targets the smaller, rural communities who want this. The larger counties are staffed enough to be open from 8:00 - 5:00 p.m.

REP. BOHLINGER asked if there isn't a provision in reduction in salary, are they accomplishing something that will be helpful to small population counties. He said he believes the people that manage the affairs of the small population counties are pretty tight-fisted people and run a good shop and he can't imagine

there would not be a commensurate reduction in pay with a reduction in office hours. He feels with the amendment it is a good bill.

REP. BERGMAN asked if they are telling the counties that if the commissioners decide they want to cut hours this bill can do that for them. The answer is yes.

REP. BOHLINGER stated he feels the question will be is this a forty-hour a week job that perhaps can be done in twenty hours. He said they want to have the flexibility not necessarily to accommodate the employee but to accommodate the taxpayer. This bill is a way to streamline government and operate more efficiently.

REP. WYATT said they would have to have both the public hearing and the consent by the elected officer. **Mr. Campbell** responded yes. **REP. WYATT** asked statistically, how many times are they going to have the public agree and the officer refuse to agree, in other words how many times is this bill going to take effect, two times around the state in the next twenty years or two hundred times. **Mr. Campbell** said he could not answer that.

REP. HAGENER pointed out that on the question about cutting hours and cutting pay, most of the elected official salaries are established by law and the county commissioners could not cut them if they wanted to. They don't have the authority to supersede what the legislature has set in the way of salary for the officials. This does apply to isolated areas and as far as the building is concerned they are going to be heating it day and night anyway. She said this bill is providing the possibility of one person, in a one-person office being able to go to lunch or the bathroom or take care of a sick child without having to lock their door and have someone complain about it.

Vote: **The motion carried 14-4.**

EXECUTIVE ACTION ON HB 166

Motion: **REP. MILLS MOVED HB 166 DO PASS. REP. BOHARSKI MOVED HIS AMENDMENT.**

Discussion: **REP. BOHARSKI** said he has an amendment but is not sure it's needed. In the fire service area, are those all required to be authorized by the county commissioners. **REP. EWER** referred to Title 7 Section 7-33-2403, and responded. **REP. BOHARSKI** said elected officials are the ones that are going to be making the decisions. His concern is if the county commissioners create a fire service area and then appoint a board, if then, realistically, are they accountable to the commissioners. He stated his concern that he is worried about them de-sectioning some of the codes without any oversight from any official or the public and that's what he doesn't want to happen. **REP. EWER** said

HOUSE STANDING COMMITTEE REPORT

February 8, 1995

Mr. Speaker: We, the committee on **Local Government** report that **House Bill 165** (first reading copy -- white) **do pass as amended.**

Signed: Bill E Boharski

Bill Boharski, Chair

And, that such amendments read:

1. Title, line 5.
Following: "OFFICES"
Insert: "BY RESOLUTION AFTER A PUBLIC HEARING AND WITH THE CONSENT OF ANY AFFECTED ELECTED COUNTY OFFICER"

2. Page 1, line 17.
Following: "body"
Insert: "by resolution after a public hearing and only if consented to by the presiding officer"

3. Page 1, line 26.
Following: "body"
Insert: "by resolution after a public hearing and only if consented to by any affected elected county officer"

4. Page 2, line 10.
Following: "body"
Insert: "by resolution after a public hearing and only if consented to by any affected elected county officer,"

5. Page 3, line 20.
Following: "body"
Insert: "by resolution after a public hearing"

6. Page 4, lines 7 and 25.
Following: "body"

Committee Vote:
Yes 14, No 4.

331409SC.Hbk

Insert: "by resolution after a public hearing"

7. Page 5, line 3.
Following: "body"
Insert: "by resolution after a public hearing and consented to by the county superintendent,"

-END-

ROLL CALL VOTE

Local Government

DATE 2-7-95 BILL NO. 165 NUMBER _____

MOTION: Question — Anderson — Do pass as amended.

NAME	AYE	NO
Rep. Bill Boharski, Chairman	✓	
Rep. Jack Herron, Vice Chairman, Majority	✓	
Rep. David Ewer, Vice Chairman, Minority	✓	
Rep. Chris Ahner	✓	
Rep. Shiell Anderson		✓
Rep. Ellen Bergman	✓	
Rep. John Bohlinger	✓	
Rep. Matt Brainard		✓
Rep. Matt Denny	✓	
Rep. Rose Forbes	✓	
Rep. Toni Hagener	✓	
Rep. Bob Keenan	✓	
Rep. Linda McCulloch	✓	
Rep. Jeanette McKee	✓	
Rep. Norm Mills	✓	
Rep. Debbie Shea		✓
Rep. Joe Tropila	✓	
Rep. Diana Wyatt		✓
	14	4

ROLL CALL VOTE

Local Government

DATE 2-7-95 BILL NO. 165 NUMBER _____ top 3

MOTION: Rep Boharski moved Amendment adopted 1.9.

Question Called - 0 N-

NAME	AYE	NO
Rep. Bill Boharski, Chairman		
Rep. Jack Herron, Vice Chairman, Majority		
Rep. David Ewer, Vice Chairman, Minority		
Rep. Chris Ahner		
Rep. Shiell Anderson		
Rep. Ellen Bergman		
Rep. John Bohlinger		
Rep. Matt Brainard		
Rep. Matt Denny		
Rep. Rose Forbes		
Rep. Toni Hagener		
Rep. Bob Keenan		
Rep. Linda McCulloch		
Rep. Jeanette McKee		
Rep. Norm Mills		
Rep. Debbie Shea		
Rep. Joe Tropila		
Rep. Diana Wyatt		

EXHIBIT 3
DATE 2-7-95
HB 165

Amendments to House Bill No. 165
First Reading Copy

Requested by Rep. Boharski
For the Committee on Local Government

Prepared by Bart Campbell
February 7, 1995

1. Title, line 5.
Following: "OFFICES"
Insert: "BY RESOLUTION AFTER A PUBLIC HEARING AND WITH THE CONSENT OF THE AFFECTED COUNTY OFFICER"

2. Page 1, lines 17 and 26, page 2, line 10.
Following: "body"
Insert: "by resolution after a public hearing and consented to by the officer"

3. Page 3, line 20.
Following: "body"
Insert: "by resolution after a public hearing and consented to by the election administrator"

4. Page 4, lines 7 and 25.
Following: "body"
Insert: "by resolution after a public hearing and consented to by the board"

5. Page 5, line 3.
Following: "body"
Insert: "by resolution after a public hearing and consented to by the county superintendent"

HEARING ON HB 165

Opening Statement by Sponsor:

REP. ROBERT STORY, HD 24, presented HB 165 which would allow local government, specifically county commissioner and elected county officials, to set the hours at the court house and the various offices. Present law requires the court house be open from 8:00 am to 5:00 pm which causes problems in some jurisdictions. For some jurisdictions this nine hour day does not allow for lunches due to a small staff and the law does not allow the office to be closed when people are unavailable to service them. HB 165 was amended in the House Local Government committee because the power would have been with the county commissioners and some elected officials had problems with that. Now there would be a resolution and public hearing to set the hours. He urged the support of the committee.

Proponents' Testimony:

Beverly Gibson, MACO, stated that HB 165 is a result of a resolution adopted at their annual meeting (EXHIBIT 2). She continued that counties when strapped for funds cannot always cover all of the offices nine hours a day. Under the current law, for offices manned by two people, if one is gone, the other person cannot even take a lunch break. MACO is comfortable with the resolution and public hearing process put on the bill in the House. She urged the committee's support.

Blake Wordal, County Commissioner, Lewis & Clark County, supported HB 165. He said they felt this was a foolish law and the reason was when they carpeted the court house, they had to close one afternoon putting them in violation of the law.

Jim Halverson, representing the Oil, Gas,and Coal Counties, supported HB 165. He was once a county commissioner and has had experience with the need to do something like HB 165. This gives a better opportunity to coordinate and share employees in the court house. It could also give the bookkeepers and secretaries more uninterrupted hours to get more work done. Small and medium size counties will have the ability to be open to coincide with their work demand. He felt this would be a big help.

Sue Haverfield, Flathead County Clerk & Recorder, Legislative Chair, Montana Association Clerk & Recorders, supported HB 165 as amended.

Opponents' Testimony: none

Questions From Committee Members and Responses:

SEN. LYNCH asked who would determine the hours in a consolidated government, the executive branch or the legislative branch? **Ms. Gibson** answered that the language in section two states the governing body which in a consolidated county would be the council of commissioners.

SEN. HARGROVE asked if it was necessary to have a public hearing? **Ms. Gibson** noted that this was by request of other county elected officials in the House Local Government hearing.

SEN. HARGROVE wanted to have it clarified that there is nothing in law that requires the public hearing? **Ms. Gibson** stated that if HB 165 is passed it will become law in these instances otherwise it is set in statute.

SEN. DOROTHY ECK stated that for any resolution of the county commissioners, they have to have a public hearing.

CHAIRMAN BECK, giving the committee words of wisdom, stated that if you are going to pass a resolution, you should have public involvement.

Closing by Sponsor:

REP. STORY pointed out that since the bill has been amended, it may exclude the court house from being open on Saturdays and if the committee wants to take a look at that it would be fine. He appreciated the committee's consideration.

HEARING ON HB 166

Opening Statement by Sponsor:

SEN. DANIEL MCGEE, HD 21, Laurel, presented HB 166 which is an act to allow fire service areas to adopt fire codes for enforcement and inspections. He drew a picture representing his district and showed a very small portion which is in the city of Billings that is serviced for fires by the Billings Fire Department. A fire service area services around 85% to 90% of his district. Currently, a contract exists between the City Fire Department and Yellowstone County so that the City will respond to any fire in the fire service area. When the fire service area was created, it left off the ability for the City Department to investigate a fire. Either a Deputy State Fire Marshall or a County Sheriff must be the primary investigator. Also, the fire service area may not adopt a fire code and must use a state wide fire code. HB 166 would put into law that a fire service area has the same weight in law as a fire district for investigatory work and enforcement of a fire code. Lines 19 through 23 on page one are the main text of the bill.

a fire district is a levy upon all the property in the fire district and a fire service fee area is a fee on the structures.

Closing by Sponsor:

REP. MCGEE stated that when first approached to carry the bill, he could not believe that the fire department could not investigate a fire and urged passage of the bill.

EXECUTIVE ACTION ON HB 166

Motion/Vote: SEN. LYNCH MOVED HB 166 BE CONCURRED IN. THE MOTION CARRIED.

EXECUTIVE ACTION ON HB 165

Discussion:

Susan Fox pointed out that the wording would preclude having office hours on Saturdays and Holidays could be perceived that way.

CHAIRMAN BECK pointed out that he did not know of any court houses open on a Saturday or Holiday.

SEN. ECK said she did not think that it was an issue.

Motion: SEN. LYNCH MOVED HB 165 BE CONCURRED IN.

Discussion:

SEN. SHARON ESTRADA expressed concern of the county commissioners closing early in unnecessary circumstances.

SEN. LYNCH pointed out that there are some safeguards being that the elected officials must consent and no one would want to upset the public. He would like to see unanimous consent of the commissioners involved rather than a two to one vote.

SEN. HARDING also pointed out that a public hearing is required.

CHAIRMAN BECK said that the benefit of the bill is for the smaller counties who would like to have their lunch breaks.

Vote: THE MOTION CARRIED.

MONTANA SENATE
1995 LEGISLATURE
LOCAL GOVERNMENT COMMITTEE

ROLL CALL DATE 3-7-95

NAME	PRESENT	ABSENT	EXCUSED
DOROTHY ECK	✓		
SHARON ESTRADA	✓		
DELWYN GAGE	✓		
DON HARGROVE	✓		
J. D. LYNCH	✓		
JEFF WELDON		✓	
ETHEL HARDING, VICE CHAIRMAN	✓		
TOM BECK, CHAIRMAN	✓		

SEN:1995
wp.rollcall.man
CS-09

SENATE STANDING COMMITTEE REPORT

March 8, 1995

MR. PRESIDENT:

We, your committee on Local Government having had under consideration HB 165 (third reading copy -- blue), respectfully report that HB 165 be concurred in.

Signed: Sen Tom Beck
Senator Tom Beck, Chair

Amd. Coord.
Sec. of Senate

Sen. Hargrove
Senator Carrying Bill

541114SC.SRF

SENATE LOCAL GOVT. COMM.
EXHIBIT NO. 2
DATE 3-7-95
BILL NO. HB 165

MONTANA
ASSOCIATION OF
COUNTIES

2711 Airport Road
Helena, Montana 59601
(406) 442-5209
FAX (406) 442-5238

RESOLUTION 94-13

A RESOLUTION FOR FLEXIBLE COURTHOUSE HOURS

WHEREAS, counties are needing more and more options of local control to balance their budgets; and

WHEREAS, the courthouse is provided to serve the local constituency; and

WHEREAS, this constituency elects the leaders to run the courthouse.

NOW, THEREFORE BE IT RESOLVED that the Montana Association of Counties draft and pass legislation in the 1995 regular legislative session to give local control of courthouse business hours.

SUBMITTED BY: Districts 6 & 7

PRIORITY: MEDIUM

ADOPTED: ANNUAL CONVENTION
SEPTEMBER 21, 1994

DATE March 7, 1995

SENATE COMMITTEE ON Local Government

BILLS BEING HEARD TODAY: HB 154 HB 165
HB 166 HB 185

< ■ > PLEASE PRINT < ■ >

Check One

Name	Representing	Bill No.	Support	Oppose
W James Kembel	City of Billings	HB166	✓	
Jim HALVERSON	OIL-GAS-COAL Co.	HB165	✓	
Sue Hansfield	Flathead Co/MACR	HB165	✓	
Bruce Suenram	Dept of Justice	HB166	✓	
JAMES A LOFFTUS	MT FIRE DIST ASSN	HB166	✓	
Paul Garber	Billings Fire Dept.	HB166	✓	
VERN ERICKSON	MT State Firefighters Assn.	"	✓	
Pat Clinch	MT State Council Prof. Firefighters	HB166	✓	
Don Hubani	City of Helena	HB166	✓	
Beverly Gibson	MACO	HB154		
"	"	" 185		
"	"	" 165		
"	"	" HB 6		

VISITOR REGISTER

PLEASE LEAVE PREPARED STATEMENT WITH COMMITTEE SECRETARY

REGISTER.F10